

PCT

**NOTIFICATION OF ELECTION**  
(PCT Rule 61.2)

<b>Date of mailing (day/month/year)</b> 23 February 2001 (23.02.01)	<b>To:</b> Commissioner US Department of Commerce United States Patent and Trademark Office, PCT 2011 South Clark Place Room CP2/5C24 Arlington, VA 22202 ETATS-UNIS D'AMERIQUE in its capacity as elected Office
<b>International application No.</b> PCT/US00/10849	<b>Applicant's or agent's file reference</b> ABI1550WO
<b>International filing date (day/month/year)</b> 21 April 2000 (21.04.00)	<b>Priority date (day/month/year)</b> 22 April 1999 (22.04.99)
<b>Applicant</b> SOON-SHIONG, Patrick et al	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

21 November 2000 (21.11.00)

in a notice effecting later election filed with the International Bureau on:

\_\_\_\_\_

2. The election  was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	Authorized officer  Olivia TEFY  Telephone No.: (41-22) 338.83.38
---	---

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/10849

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) A61K 31/28

US CL 514/492, 649, 772, 44

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 514/492, 649, 772, 44

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
noneElectronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
EAST; cancer, infirmity, chemotherapeutics, etc.

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y, E	US 6,066,668 A (HAUSHEER et al.) 23 May 2000 (23.05.00), see entire document.	1-17
A	US 5,772,992 A (BAUER et al.) 30 June 1998 (30.06.98), see entire document.	1-17
A	US 5,789,248 A (FODSTAD et al.) 04 August 1998 (04.08.98), see entire document.	1-17

 Further documents are listed in the continuation of Box C.  See patent family annex.

• Special categories of cited documents.	*T*	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
*A* document defining the general state of the art which is not considered to be of particular relevance	*X*	document of particular relevance, the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
*E* earlier document published on or after the international filing date	*Y*	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
*L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*&*	document member of the same patent family
*O* document referring to an oral disclosure, use, exhibition or other means		
*P* document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

03 JULY 2000

Date of mailing of the international search report

11 AUG 2000

Name and mailing address of the ISA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer *Myra M. Mullen*  
Cybille Delacroix-Mullenhead

Telephone No. (703) 308-0196

## PATENT COOPERATION TREATY

PCT

REC'D 09 MAR 2001

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ABII550WO	FOR FURTHER ACTION      See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/10849	International filing date (day/month/year) 21 APRIL 2000	Priority date (day/month/year) 22 APRIL 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): A61K 31/28 and US CL: 514/492, 649, 772, 44		
Applicant AMERICAN BIOSCIENCES, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

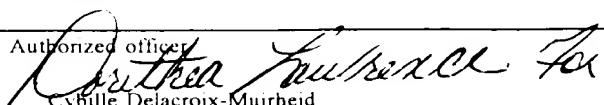
2. This REPORT consists of a total of 3 sheets.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 21 NOVEMBER 2000	Date of completion of this report 09 FEBRUARY 2001
Name and mailing address of the IPEA US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  Cybille Delacroix-Muirheid
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0196

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/10849

## I. Basis of the report

1. With regard to the **elements** of the international application:\* the international application as originally filed the description:

pages 1-21 \_\_\_\_\_, as originally filed

pages NONE \_\_\_\_\_, filed with the demand

pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the claims:

pages 22-25 \_\_\_\_\_, as originally filed

pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19

pages NONE \_\_\_\_\_, filed with the demand

pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the drawings:

pages NONE \_\_\_\_\_, as originally filed

pages NONE \_\_\_\_\_, filed with the demand

pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

 the sequence listing part of the description:

pages NONE \_\_\_\_\_, as originally filed

pages NONE \_\_\_\_\_, filed with the demand

pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing: contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished4.  The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos NONE the drawings, sheets/fig NONE5.  This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/10849

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. statement**

Novelty (N)	Claims <u>1-17</u>	YES
	Claims <u>none</u>	NO
Inventive Step (IS)	Claims <u>1-17</u>	YES
	Claims <u>none</u>	NO
Industrial Applicability (IA)	Claims <u>1-17</u>	YES
	Claims <u>none</u>	NO

**2. citations and explanations (Rule 70.7)**

Claims 1-17 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the claimed methods of treating an infirmity in a patient wherein subtherapeutic levels of active agents in unit dosage form are administered.

The claimed inventions can also be used in industry.

----- NEW CITATIONS -----  
NONE

**FOR THE PURPOSES OF INFORMATION ONLY**

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
AM	Armenia	FI	Finland	LT	Lithuania	SK	Slovakia
AT	Austria	FR	France	LU	Luxembourg	SN	Senegal
AU	Australia	GA	Gabon	LV	Larvia	SZ	Swaziland
AZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
BB	Barbados	GH	Ghana	MG	Madagascar	TJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav Republic of Macedonia	TM	Turkmenistan
BF	Burkina Faso	GR	Greece	ML	Mali	TR	Turkey
BG	Bulgaria	HU	Hungary	MN	Mongolia	TT	Trinidad and Tobago
BJ	Benin	IE	Ireland	MR	Mauritania	UA	Ukraine
BR	Brazil	IL	Israel	MW	Malawi	UG	Uganda
BY	Belarus	IS	Iceland	MX	Mexico	US	United States of America
CA	Canada	IT	Italy	NE	Niger	UZ	Uzbekistan
CF	Central African Republic	JP	Japan	NL	Netherlands	VN	Viet Nam
CG	Congo	KE	Kenya	NO	Norway	YU	Yugoslavia
CH	Switzerland	KG	Kyrgyzstan	NZ	New Zealand	ZW	Zimbabwe
CI	Côte d'Ivoire	KP	Democratic People's Republic of Korea	PL	Poland		
CM	Cameroon	KR	Republic of Korea	PT	Portugal		
CN	China	KZ	Kazakstan	RO	Romania		
CU	Cuba	LC	Saint Lucia	RU	Russian Federation		
CZ	Czech Republic	LI	Liechtenstein	SD	Sudan		
DE	Germany	LK	Sri Lanka	SE	Sweden		
DK	Denmark	LR	Liberia	SG	Singapore		
EE	Estonia						

**DOCUMENT: Transmittal Letter to the United States  
Designated/Elected Office (DO/EO/US)  
Concerning a filing under 35 U.S.C. 371  
With Request for Change of Correspondence  
Address**  
**DOCKET NO.: ABI1550-1**  
**SERIAL NO. Based on PCT/US00/10849**

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

EXPRESS MAIL MAILING LABEL NUMBER: EL796361988US

DATE OF DEPOSIT: 26 September 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST  
OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE  
INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, BOX PCT.

Ruth Sabula  
(Typed or Printed Name of Person Mailing Papers)

Ruth Sabula  
Signature